

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHRIS FLETCHER,

Plaintiff,

vs.

No. CV 19-00007 MV/KK

CURRY COUNTY DETENTION CENTER,
MAGISTRATE COURT,
CLOVISE POLICE DEPARTMENT,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER is before the Court on the civil rights complaint filed by Plaintiff, Chris Fletcher (Doc. 1) (“Complaint”) and the Court’s Memorandum Opinion and Order entered August 3, 2021 (Doc. 10).

In its August 3, 2021 Memorandum Opinion and Order, the Court dismissed Plaintiff’s Complaint for failure to state a claim under Section 1983, because it did not name any individual defendant or identify any individual conduct but rather named three governmental entities, none of which can be held vicariously liable for generalized claims of constitutional violations. Doc. 10. The Court, however, granted Plaintiff leave to file an amended complaint, set a 60-day deadline for such filing, and notified Plaintiff that, if he did not file an amended complaint within 60 days, the Court would enter a final dismissal of this proceeding. *Id.*

More than 60 days have now elapsed since entry of the Court’s Memorandum Opinion and Order. Plaintiff has not filed an amended complaint, responded to the Court’s Memorandum Opinion and Order, and or otherwise communicated with the Court. Accordingly, the Court will dismiss this action under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute

this proceeding and for failure to comply with the Court's Memorandum Opinion and Order. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10th Cir. 2003).

IT IS ORDERED that the prisoner civil rights Complaint filed by Plaintiff Chris Fletcher (Doc. 1) is **DISMISSED without prejudice** under Rule 41(b) and final Judgment will be entered.


UNITED STATES DISTRICT JUDGE